



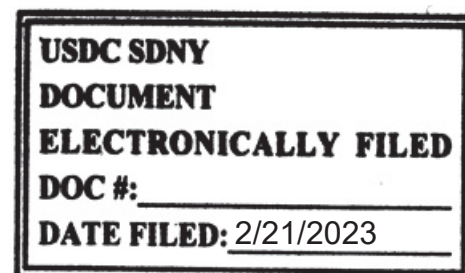
KMA Zuckert LLC  
1350 Broadway, Suite 2410  
New York, New York 10018  
+1.212.922.0450 Main  
www.kmazuckert.com

David Y. Loh  
+1.212.991.5914 Direct  
dloh@kmazuckert.com

February 17, 2023

**VIA ECF**

Honorable Robert W. Lehrburger  
United States Magistrate Judge  
500 Pearl Street, Room 1960  
United States Courthouse  
New York, NY 10007



RE: *Vallair Solutions SARL v. 321 Precision Conversions LLC*  
Docket No. 1:21-cv-7507-CM-RWL

Dear Judge Lehrburger:

We represent plaintiff Vallair Solutions SARL (“Vallair”) and write to respectfully request an emergency stay of the deposition of a non-party fact witness, Paul Koster which was unilaterally scheduled by defendant 321 Precision LLC (“Precision”) to take place Wednesday, February 22nd.

On Wednesday, February 15th, Precision emailed us to advise that they intend to take the deposition of Mr. Koster on February 22nd. Precision did not serve us with a Notice of Deposition or ask for our availability for a deposition. To put this deposition in context, Precision’s email was surprising because our April 25, 2022 initial disclosures had identified Mr. Koster as a former employee of Vallair who “should be contacted through counsel.” Precision never contacted us to determine if we represented Mr. Koster; nor did they ask Mr. Koster if he was represented by counsel.

On Thursday, February 16th, we objected to Precision’s unilateral scheduling of Mr. Koster’s deposition, and advised that we would not be available for his deposition with less than a week’s notice or even over the next few weeks, given, inter alia, what remains to be done in this case. We have been spending months working with counsel for Precision trying to find mutually convenient dates to commence the depositions of Vallair, Precision and non-parties. The depositions of the Vallair witnesses will be held in Luxembourg and all the depositions in this case will require travel, and many exhibits to be marked. Vallair certainly intends on attending Mr. Koster’s deposition, which will be lengthy, in person. Mr. Koster is also located in Europe.

More importantly, Precision has still not responded to numerous key document demands by Vallair, including but not limited to its communications with third parties concerning the



Honorable Robert W. Lehrburger  
February 17, 2023  
Page 2

negotiations for the conversions of A321 aircraft, from a passenger to cargo configuration. All of the depositions, including Mr. Koster's, cannot commence until Precision produces these overdue documents.

On Friday, February 17th, we received emails from Veritex, a court reporting service, advising us that Mr. Koster's deposition was still going forward on February 22nd. We promptly reiterated our objection to going forward with Mr. Koster's deposition. Unfortunately, Precision has conditioned the withdrawal of Mr. Koster's deposition on Vallair's agreement to provide alternative dates by COB Monday, February 20th.

In order to comply with the Court's Individual Practices in Civil Cases, we attempted to conduct a meet and confer with Precision's counsel this afternoon by telephone but were advised that they were in depositions and meetings all day. In any event, they are unwilling to cancel Mr. Koster's deposition.

Aside from Monday being a federal holiday, this arbitrary deadline is designed to force Vallair to proceed with Mr. Koster's deposition without the benefit of Precision's complete document production, including highly vital documents relating to Mr. Koster, let alone time to prepare for a deposition and travel to Europe to attend.

Vallair had intended to write to the Court by Tuesday, February 21st to seek the Court's assistance in resolving our discovery disputes with Precision, but Precision's prejudicial scheduling of Mr. Koster's deposition for February 22nd has forced our hand.

Under the circumstances, we respectfully request an emergency stay of Mr. Koster's deposition.

We thank the Court for its attention and consideration of this request, and remain,

Respectfully yours,

KMA ZUCKERT LLC

/s/ David Y. Loh

David Y. Loh

DYL/pc

cc: Counsel of record via ECF

The letter motion is denied as moot. (See Dkts. 98, 99).

SO ORDERED:

2/21/2023

A handwritten signature in black ink, appearing to be "R. Lehrburger", written over a horizontal line.

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE